

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                 |   |                     |
|---------------------------------|---|---------------------|
| <b>MARILYN MCCREA, o/b/o MS</b> | : | <b>CIVIL ACTION</b> |
|                                 | : |                     |
| <b>Plaintiff</b>                | : |                     |
|                                 | : |                     |
| <b>v.</b>                       | : | <b>NO. 04-5913</b>  |
|                                 | : |                     |
| <b>JO ANNE B. BARNHART,</b>     | : |                     |
|                                 | : |                     |
| <b>Defendant.</b>               | : |                     |

**ORDER**

**AND NOW**, this 2nd day of August, 2005, upon careful and independent consideration of the Plaintiff's Motion for Summary Judgment, and after conducting a thorough review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, and a thorough *de novo* review of Defendant's objections, and related filings, IT IS ORDERED as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. Defendant's Motion for Summary Judgment is **DENIED**.
3. Plaintiff's Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART**.

4. The matter is remanded for an assessment of MS's functioning in the domain of "Interacting and Relating with Others" outside of a specialized classroom setting, and further consideration as to whether MS suffers from marked limitations in the area of "Caring for Yourself."

The Clerk of Court shall close this matter for statistical purposes.

AND IT IS SO ORDERED.

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**Paul S. Diamond, J.**